

01-AFC-25

CALIF ENERGY COMMISSION

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
OF THE  
MALBURG GENERATING STATION PROJECT  
BY CITY OF VERNON, LOS ANGELES COUNTY

DOCKET No. 01-AFC-25  
APPLICATION COMPLETE  
JULY 9, 2002

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION (PMPD)

Staff has reviewed the PMPD and offers the following changes in the form of an Errata. The Errata is based on new evidence submitted at the February 10, 2003 evidentiary hearing and the comments filed by the parties during the 30-day comment period. While some of the Errata expand our discussion of the evidentiary record and include redrafted Conditions of Certification, none of the Errata change the substantive findings and conclusions of the PMPD.

INTRODUCTION

Page 9, first full paragraph. Amend the second sentence as follows:

The notice was mailed to members of the community who were known to be interested in the proposed project, including the owners of land adjacent to or in the vicinity of the MRP MGS.

Reason: To use the correct acronym for Malburg Generating Station.

PROOF OF SERVICE (REVISED 2-4-03) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 4-30-03  
*efh*

## TRANSMISSION SYSTEM ENGINEERING

Page 80, recommend amending the text as follows:

### **SUMMARY AND DISCUSSION OF THE EVIDENCE**

The City of Vernon's 66 kV municipal electric system is part of the Cal-ISO control area and is tied to the Southern California Edison (SCE) bulk power system and the Cal-ISO grid at the Laguna Bell 230/66 kV Substation. The City serves its customers with a combination 26.5 MW generated by the City's existing Station A facility at the Vernon 66 kV Substation and wholesale contractual power supply additional capacity of about 96 MW purchased from third party suppliers over the Cal- ISO grid. (Ex. 34, p. 5.5-3.)

Reason: Staff believes the revised text clarifies the topic.

Page 82, second paragraph, recommend amending the text as follows:

~~In accordance with protocol development by Cal ISO, 4~~ The SIS is followed by supplemental power flow studies performed by ~~the participating transmission owner, in this case~~ SCE, with details provided in a Detailed Interconnection Facility Study. (Ex.34, p. 5.5-5.) SCE conducted the additional System Impact Study to identify potential impacts in the SCE system due to the MGS. (Ex. 4, Attachment 3, Ex. 22.)

Reason: Staff believes the revised text clarifies the topic.

On page 84 and 85, amend findings and conclusions 6 and 11 as follows:

6. The Navigant SIS found no potential downstream thermal overload impacts to the City of Vernon, SCE or LADWP systems that would result from interconnection of MGS.

11. To mitigate ~~serious~~ minor overload violations on the Lighthipe-Mesa Cal 230 kV line, Applicant will replace wave traps at both ends of the line to 4000-ampere rating.

Reason: Staff believes the revised text clarifies and corrects the PMPD.

### AIR QUALITY

Page 116, Staff recommends that the text in the paragraph following Table 20 be modified as follows:

As shown in Air Quality Table 20, except for the 24-hour and annual PM<sub>10</sub> violations, cumulative impacts are expected to be below the state and national standards. The result of the dispersion modeling analysis indicated that MGS PM<sub>10</sub> emissions represent 64 percent....

Reason: Staff recognizes that Air Quality Table 20 cannot fully explain the derivation of percentage contribution of MGS to cumulative PM<sub>10</sub> impacts, as the text suggests. More information is needed. This information was obtained from a detailed dispersion modeling analysis conducted by the applicant.

Page 119, Conditions of Certification AQ-C1.

The City of Vernon is requesting that Condition AQ-C1 be modified in the PMPD with agreement by Energy Commission staff. They are requesting that the last sentence of the first paragraph of the condition be changed by adding the following language:

**AQ-C1** ...In addition to or in place of the requirements identified above and the measures identified below, the City may develop alternative measures to be approved by the CPM in order to achieve the identified goals.

Reason: The reason for the change is to provide the necessary flexibility to develop alternative requirements if the results of monitoring justify changing the requirements and CEC staff agree to the proposed alternative requirements.

The standard required in condition AQ-C1 (emissions below the short-term ambient air quality standards and no more than 10 ug/m<sup>3</sup> difference between upwind and downwind monitoring for NOx, PM10 and CO emissions) is based on modeling with limited field experience. We know the standard is achievable in most situations...but not all situations. The applicant is requesting, and staff agrees, that there should be some flexibility so that if the standard is not met, the applicant can work with staff to identify an acceptable solution ensuring that no significant impacts occur.

Staff recommends modifying AQ-C1, which generally requires the City of Vernon to control and monitor emissions during construction, taking into consideration that the 10 ug/m<sup>3</sup> limitation between upwind and downwind measurements might not be possible to meet. Staff considers it reasonable to allow the City of Vernon to determine a reasonably controlling and attainable limit that does not cause or contribute to a violation of the ambient air quality standards.

#### **HAZARDOUS MATERIALS MANAGEMENT**

Page 158, second paragraph, first sentence should be revised as follows:

Applicant performed an Off-Site Consequences Analysis (OCA) to evaluate potential public health impacts in a "worst case scenario" resulting from an catastrophic failure of the storage tank and an alternative scenario addressing accidental release during truck unloading. (Ex. 1, § 8.12.2.2.2 et seq.)

Reason: Staff believes the revised text clarifies and corrects the PMPD.

Page 164, Condition of Certification HAZ-2, amend the PMPD as follows:

**HAZ-2** The project owner shall concurrently provide a Business Plan and a Risk Management Plan (RMP) to the Certified Unified Program Authority (CUPA) (City of Vernon Environmental Health Department) and the CPM for review at the time the RMP is first submitted to the U.S. Environmental Protection Agency (EPA). The project owner shall reflect all recommendations of the CUPA and the CPM in the final documents. Copies of the final Business Plan and RMP, reflecting all comments, shall be provided to the CPM for approval.

**Verification:** At least sixty (60) days prior to receiving any hazardous material on the site, the project owner shall provide a copy of a final Business Plan to the CPM. At least 60 days prior to delivery of aqueous ammonia to the site, the project owner shall provide the final EPA-approved RMP, to the CUPA and the CPM for approval.

Reason: The words "for approval" were inadvertently left out of the Staff Assessment at the end of the last sentence of HAZ-2 and the verification for HAZ-2

## **CULTURAL RESOURCES**

Page 202; amend the last sentence of the last paragraph on the page as follows.

### **1. Background**

In addition, structures older than ~~50 years~~ 45 years, or less if determined to be exceptional, could be considered for listing as significant historic structures.

Reason: The applicant and staff both used 45 years or less if exceptional as the criteria for considering cultural resources for eligibility to the National Register of Historic Places of the California Register of Historic Resources. Note, this guidance is from "Instructions for Recording Historical Resources" from Office of Historic Preservation 1995, page 2.

Page 204, third paragraph. reads: "According to Staff, the industrial area surrounding Station A may be eligible for inclusion in the CRHR as an historic district. (Ex.34, p.4.3-5.) The Applicant identified a core area including Station A as the Vernon Historic District. The proposed district consists of the historic, pre-World War II, industrial core of the City of Vernon".

The applicant has indicated that although the area surrounding Station A may be "eligible for inclusion in the CRHR", it is not currently a "proposed District" and they wish to discuss this at the Committee Conference.

Page 206, Findings and Conclusions #1. Amend PMPD as follows:

### **FINDINGS AND CONCLUSIONS.**



1. There are no known archaeological or historic resources within or adjacent to the critical Area of Potential Effect (APE) except for City of Vernon Station A and the City of Vernon Historic District.

Reason: In this statement, "critical Area of Potential Effect" is not defined, and Station A is one of the contributing elements of the Vernon Historic District.

### **VISUAL RESOURCES**

Page 248, third paragraph, it would be more accurate to replace this paragraph with the following:

The visual impacts of construction will not be significant because power plant construction will occur in the context of a low visual quality industrial setting in which large construction equipment and the visual chaos associated with construction will not be conspicuously out of character, and because pipeline construction activities will be transitory and will primarily occur within industrial areas. Therefore, no significant adverse visual impacts are anticipated.

Reason: The discussion states that the impacts of construction activities will not be significant because all potential views of these activities are located in the surrounding industrial zone. This is true for construction of the power plant and natural gas supply and wastewater discharge pipelines. However, the reclaimed water supply pipeline will traverse through commercial and residential areas in addition to industrial areas (COV 2001a; p. 8.10-9; Figures 8.4-11 and 8.4-13).

Page 250: Nighttime Lighting

Suggest changing the heading from "Nighttime Lighting" to "Nighttime Lighting and Light or Glare".

Reason: The discussion involves nighttime lighting and also mentions Applicant's mitigation measure and staff's condition of certification VIS-2 requiring structures to be treated/painted with flat finishes to minimize daytime glare impacts.

Page 251, Finding #2; suggested revision as follows:

2. Power plant c Construction activities will occur in the industrial zone where large construction equipment and the visual chaos associated with construction are not conspicuously out of character for the area. Pipeline construction will be transitory and will primarily occur within industrial areas.

Reason: Staff believes the revised text clarifies the PMPD.

## **NOISE**

P. 256, Paragraph 1; suggested changes to the Noise and Vibration section.  
Change the third sentence to read as follows:

In addition, operation of the turbines facility may generate vibration and acoustic noise that could affect nearby properties.

Reason: Staff believes the revised text clarifies the PMPD.

Page 257. The Setting. Change the second sentence to read as follows:

Under the City's Noise Element, facilities in the area zoned "General Industrial" cannot be exceed 75 dBA ...

Reason: Minor edit.



P. 258, Paragraph 3. Change the last sentence to read as follows:

(For an explanation ... Table Appendix 1 at the end of this section.)

Reason: Staff believes the revised text clarifies the PMPD.

P. 259, Paragraph 2. Change the second sentence to read as follows:

A series of ... few minutes, ~~will be~~ could be performed ...

Reason: Staff believes the revised text clarifies the PMPD.

### **SOCIOECONOMICS**

Page 272, first paragraph, last sentence. Amend text as follows:

In addition, an environmental justice screening analysis is conducted to determine ~~whether project-related activities would result in disproportionate impacts on the minority and/or low-income populations~~ if a population of minority/low-income, greater than 50 percent, exists within the six-mile radius of the proposed project site. If there is such a population, and staff identifies a significant impact in one or more of the 11 environmental justice related technical areas, staff then does an environmental justice analysis to assess whether the identified impact(s) disproportionately affect the minority or low income population.

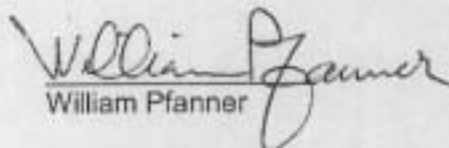
Reason: To correct the reason stated for doing a screening analysis and to clarify when staff analyzes whether an impact disproportionately assesses minority or low income populations.

Page 275, second paragraph, last sentence. Revise text to read as follows:

Since the MGS will not result in significant adverse effects to any population,...

Reason: Staff believes the revised text clarifies the issue.

Respectfully submitted

  
William Pfanner

Project Manager

  
William Westerfield

Staff Attorney

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